

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 3-9 and 12-18 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 14-18 as being allowable and the subject matter of claims 3-9, 12 and 13 as being allowable if rewritten in independent form. While not conceding the appropriateness of the Examiner's rejections, claims 3, 4, 5, 12 and 13 have been rewritten in independent form. Claims 3-9 and 12-18 are now in condition for allowance.

Title

The Examiner required a title which is clearly indicative of the invention to which the claims are directed. By way of the present amendment, Applicants have suggested a new title. However, Applicants are not certain as to why the original title is improper. The title refers to an optical pick-up device which is claimed in original claim 1 and further described as using a total reflective focusing lens, which is recited in original claims 2 and 6. Further the term optical pick-up

device appears to be proper since some of the references cited by the Examiner utilizes this title. If the Examiner is unhappy with the suggested new title, he is requested to suggest an alternative or describe in more complete terms what he considers proper.

Claim Objections

The Examiner objected to claim 10 as being improper. By way of the present amendment, Applicants have cancelled claim 10.

Drawings

The Examiner objected to the drawings as failing to show every feature of the invention specified in the claims. The Examiner first objected to the lack of showing of the holographic unit. By way of the present amendment, Applicants have amended Figure 2 to add the HPM to the front of the light source 201. The Examiner objected to the lack of showing of the optical waveguide. Applicants submit that the existing figures include this device which is shown in Figure 3 as numeral 301C. The Examiner also objected to the lack of showing of the molding process. Claim 10 has now been cancelled.

The Examiner also objected to Figure 1 as needing a legend. Figure 1 has now been amended to add the label "Conventional Art."

Rejection Under 35 USC §103

Claims 1 and 10 stand rejected under 35 USC §102 as being anticipated by Yanagawa et al. (USP 6,346,695 B2). This rejection is respectfully traversed.

This rejection is rendered moot by the cancellation of claims 1 and 10.

Claims 2 and 11 stand rejected under 35 USC §103 as being obvious over Yanagawa et al. and further in view Oohchida et al. (USP 6,584,060 B1). This rejection is respectfully traversed.

This rejection is rendered moot by the cancellation of claims 2 and 11.

The Examiner indicated that some of the claims were substantial duplicates. First, it is not clear from the Examiner's wording which claims he considers duplicates. However, Applicants believe the Examiner means to say that claims 3 and 4 are similar to claims 12 and 13, while claims 5-9 are similar to claim 14-18. Applicants agree that the wording of the dependent claims is similar in each case. However, these claims depend from independent claims, which are different. Thus, claim 3 depends from claim 2, while claim 12 depends from claim 11. Claim 2 is different from claim 11, first, in that claim 2 claims a combination of elements making up a pick-up device including the light source, optical disk, monitor photodiode and lens. Claim 11 describes the lens and only describes the other elements as part of the environment in the preamble. Secondly, there are elements which are not the same in the two claims. Thus, claim 2 includes the optical disk, which is not mentioned in claim 11. Also, the description of the

arrangement of the photodiode is different in the two claims. In claim 2, the lens is said to be between the light source and the photodiode whereas in claim 11, the photodiode is arranged in front of the light source. Accordingly, Applicants submit that the claims are not duplicates. Similarly, claims 5 and 14 are different for similar reasons.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner either alone or in combination. In view of this, reconsideration of the rejections and allowance of all of the claims are requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

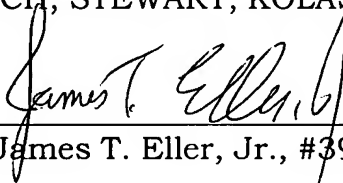
Appl. No. 10/003,070
Reply dated August 12, 2004
Reply to Office Action of May 13, 2004

Art Unit: 2653
Page 15 of 15

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James T. Eller, Jr., #39,538

JTE/RFG/jeb/slb
3449-0182P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

(Rev. 02/12/2004)